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June 2, 1995

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Petition For Rulemaking
FCC File No. RM-7912
A&H #1300

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

On behalf of Maritime Telecommunications Network, Inc. ("MTN"), there are submitted herewith an original plus four (4) copies of a Motion for Leave To Succeede Crescomm Transmission Services, Inc. As Petitioner-Of-Record in RM-7912.

Should there be any questions, please contact the undersigned.

Very truly yours,



Robert G. Allen

RGA:vn

Attachments

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I. DOCKET HISTORY

1. On December 12, 1991, Crescomm submitted a Petition For Rulemaking in the above-captioned proceeding ("Petition"). The Petition seeks the issuance of new rules under Part 80, by which Digital Shipboard Earth Stations would be licensed to utilize C- and/or Ku-Band frequencies to communicate via satellite to and from locations in Ocean, Sea and Coastal areas, utilizing both Fixed and Temporary-Fixed Satellite Earth Stations.

2. In its Petition, Crescomm also requested that the Commission grant it a Pioneer's Preference pursuant to Section 1.402 of the Rules, citing its early experimental activities in broadband maritime telecommunications in support of that request. Thereafter, upon advice of the Commission, Crescomm filed a separate pleading captioned "Request For Pioneer's Preference" on January 15, 1992, restating its earlier request.

3. On March 11, 1992, the Commission issued a Public Notice (RM-7912) seeking Comments on the Petition of December 12, 1991 and on Crescomm's separate Request for Pioneer's Preference of January 15, 1992, which had been assigned File Number PP-34. On April 10, 1992, Crescomm filed its own "Comments In Support of Petition For Rulemaking". Approximately 25 other parties filed formal and informal

Comments in the proceeding.¹ On April 14, 1992, Crescomm filed a Reply to the Comments of certain parties, specifically addressing those which had taken issue with its January 15, 1992 Request for Pioneer's Preference.

4. On November 30, 1994, Crescomm filed a "Supplement to Petition For Rulemaking and Request For Expedited Action" ("Crescomm Supplement"), which reported that it had, on November 9, 1994, assigned Experimental License KI2XEE² to Holmdel Telecommunications Group, Inc. ("HTG"). The Crescomm Supplement further stated that, pursuant to an operating agreement entered into between Crescomm and HTG on that same date, Crescomm had retained ownership of the physical transmission facilities licensed to HTG under Call Sign KI2XEE. The licensed facilities were leased by HTG from Crescomm which, while no longer serving as a licensee, continued to be involved in marketing and research activities associated with broadband maritime telecommunications services.

¹ These parties included: C-PORT (Committee For Private Offshore Rescue and Towing); Northcom; Atlantic Satellite Communications, Inc.; Waterfront Communications Corporation; MCL, Inc.; Alascom, Inc.; Republic Telcom Systems; Computel Communications Systems, Inc.; Interface Conversions D.I.P., Inc.; Compression Labs, Inc.; WXTV Channel 41, Secaucus; Sea Tel, Inc.; Strategic Television, Inc.; RF Scientific Transportables, Inc.; Private Satellite Network, Inc.; CruisePhone, Inc.; Crusecom International, Inc.; IDB Communications Group, Inc.; Pan American Satellite; GTE Spacenet Corporation; National Spectrum Managers Association, Inc.; Bell Atlantic Companies; Qualcomm, Inc.; Leasing Dynamics, Inc.; and Comsat.

² Call Sign KI2XEE (FCC File No. 2237-EX-R-94) is the Part 5 authorization utilized by Crescomm until November 9, 1994 in support of its shipboard broadband satellite transmitters employed in maritime experimentation. Thereafter, HTG, pursuant to Commission approval, assumed the responsibilities of KI2XEE licensee.

5. On December 8, 1994, HTG filed its own "Request For Pioneer's Preference" citing the facts set forth in Paragraph 4, supra, and further noting that HTG's shareholder ownership and interest consisted of the same principals who owned and controlled Crescomm when the Petition was filed. HTG's Request for Pioneer's Preference also stated that it stood as successor-licensee to Crescomm of the above-referenced experimental facilities and that its principals had been responsible for the early broadband maritime experimentation which had been undertaken by Crescomm.³

**II. HTG TO BE DISSOLVED AFTER ASSIGNMENT
OF LICENSE TO MTN; ALL CRESCOMM STOCK
TO BE ASSIGNED TO MTN**

6. In January, 1995, MTN, a Colorado corporation, was formed by Crescomm Telecommunications Services, Inc. ("Crescomm Telecom"), the 91% shareholder parent of Crescomm, and ICG Wireless Services, Inc. ("ICG Wireless"), a subsidiary of IntelCom Group (USA), Inc.⁴ The physical assets used to support the broadband maritime satellite experimentation described herein, which were previously owned by Crescomm, are now

³ Attached to HTG's Pioneer's Preference Request was a letter from Crescomm Executive Vice-President William F. Lashell to HTG President Gordon Robertson stating Crescomm's willingness to seek dismissal of its own Request For Pioneer's Preference (PP-34) in the event the Commission were to accept HTG's Pioneer's Preference Request. As of the present date, the Commission has taken no action of any kind with respect to HTG's Pioneer's Preference Request. HTG is now seeking the voluntary dismissal of its Request. See Paragraph 6, below.

⁴ The latter corporation is, in turn, a subsidiary of IntelCom Group, Inc., a Canadian corporation.

owned by MTN. Further, Crescomm Telecom is a substantial equity holder in MTN.⁵ An application to assign experimental License KI2XEE from HTG to MTN is under preparation and will shortly be filed at the Commission. Upon its grant, HTG shall be dissolved, leaving MTN as Part 5 licensee directly responsible for all broadband maritime experimentation authorized by the Commission. As noted in Footnote 3, HTG is today moving for the voluntary dismissal of its Pioneer's Preference Request filed December 8, 1994.

7. In addition to the formation of MTN having occurred, the buy-out of certain Crescomm minority stock shares by Crescomm Telecom is currently in progress, and, upon completion of that process in approximately mid-June, 1995, 100% of the outstanding shares of Crescomm stock will then be owned by Crescomm Telecom. Thereafter, Crescomm Telecom plans to further assign all of those outstanding Crescomm shares to MTN⁶, making MTN the owner of all Crescomm stock.

8. In addition to the matter of Crescomm's physical plant and equity shares being assumed by MTN, continuity between Crescomm and MTN is also evident in their respective management teams.⁷ MTN's Vice-President Richard Hadsall, who was the principal Crescomm party responsible for conducting early military and commercial

⁵ The current MTN equity configuration is approximately 64.5% ICG Wireless; 35.5% Crescomm Telecom.

⁶ Ultimately, Crescomm shares shall be liquidated and the corporation dissolved.

⁷ This thread of common management also extends to HTG.

experimentation of broadband maritime telecommunications technology, has served as Crescomm's President since 1983. Mr. Hadsall was the principal project officer in the deployment of Crescomm's broadband maritime technology aboard U.S. military and law enforcement vessels. William F. LaShell, who is Vice-President & Chief Operating Officer of MTN, and who also served as Crescomm's Executive Vice-President since 1984, was another individual who played a primary role in Crescomm's early promotion and deployment of broadband maritime service between 1987 and the present. HTG President Gordon Robertson, who had previously served as Vice-President for Engineering at Crescomm from 1986, has now assumed corporate management responsibilities for MTN's engineering operations. Mr. Robertson also served as a key engineering person responsible for the early technical successes of Crescomm's broadband maritime operations, as manager and coordinator of the earth station resources employed in the experimentation. Mr. Robertson continued such involvement as President of HTG. By summary, Messrs. Hadsall, LaShell and Robertson, who were all indispensable players in the development of C- and Ku-Band maritime technology for Crescomm (and HTG), are now all members of the management team at MTN.

9. The foregoing demonstrates that: 1) Crescomm, the primary industry innovator of broadband maritime telecommunications technology, initiated the captioned proceeding in December, 1991, and has since filed supportive pleadings in furtherance of

the rulemaking docket; 2) on November 9, 1994, HTG succeeded Crescomm as licensee of Call Sign KI2XEE and entered into an operating agreement with Crescomm, which retained ownership of the physical plant employed by HTG; 3) in January, 1995, MTN was formed by Crescomm's parent (Crescomm Telecom) and ICG Wireless; 4) MTN now owns all physical assets previously owned by Crescomm; 5) HTG and MTN will file an application at the Commission seeking to assign KI2XEE to MTN; 6) upon conclusion of such assignment, HTG shall be dissolved; 7) HTG is seeking the voluntary dismissal of its Pioneer's Preference Request; 8) a purchase of certain minority shares of Crescomm by Crescomm Telecom is currently in progress and is expected to be completed by approximately mid-June, 1995; 9) all outstanding shares of Crescomm stock are then expected to be assigned by Crescomm Telecom to MTN; 10) all Crescomm shares shall, at some future time, be liquidated and the corporation dissolved; 11) MTN shall, subject to Commission approval, shortly assume the responsibilities of a Part 5 licensee once it acquires Experimental License KI2XEE; 12) the current management of MTN consists, in relevant part, of the same management team which had initiated and executed extensive broadband maritime experimentation at both Crescomm and HTG, thereby ensuring continuity of all ongoing broadband maritime experimentation, and, 13) MTN is willing to assume the administrative burden of going forward in the captioned proceeding as successor-in-interest to both Crescomm and HTG. Accordingly, MTN should be permitted to succeed Crescomm as petitioner in this proceeding.

WHEREFORE, in view of the foregoing, it is respectfully requested that the Commission grant the instant motion of MARITIME TELECOMMUNICATIONS NETWORK, INC., that it be granted leave to succede Crescomm Transmission Services, Inc. as Petitioner; and further, that all interested parties hereafter direct their communications, when necessary, to MARITIME TELECOMMUNICATIONS NETWORK, INC. as Successor-to-Petitioner in Rulemaking Docket RM-7912.

Respectfully Submitted,

MARITIME TELECOMMUNICATIONS NETWORK, INC.

By: 
Robert G. Allen

Its Counsel

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June 2, 1995

STATEMENT

I, William F. LaShell, Vice-President & Chief Operating Officer of Maritime Telecommunication Network, Inc., hereby affirm under penalty of perjury, that I have read the "Motion For Leave to Succeed Crescomm Transmission Services, Inc. as Petitioner-Of-Record in Docket No. RM-7912" and that the facts stated herein are true and correct to the best of my knowledge, information and belief.

MARITIME TELECOMMUNICATIONS NETWORK, INC.

5/31/95
Date

By: 

William F. LaShell
Vice-President & Chief Operating Officer

STATEMENT

I, Gordon Robertson, President of Holmdel Telecommunications Group, Inc., hereby affirm under penalty of perjury, that I have read the "Motion For Leave to Succeede Crescomm Transmission Services, Inc. as Petitioner-OF-Record in Docket No. RM-7912" and that the facts contained therein are true and correct to the best of my knowledge, information and belief.

HOLMDEL TELECOMMUNICATIONS GROUP, INC.

31 MAY 1995

Date

By: 

Gordon Robertson
President

CERTIFICATE OF SERVICE

I, Valerie M. Nealey, a secretary in the law firm of Allen & Harold, P.L.C., hereby certify that I have this 2nd day of June, 1995, caused to be delivered via 1st Class Mail, postage prepaid, copies of the foregoing "Motion for Leave To Succeede Crescomm Transmission Services, Inc. as Petitioner-of-Record in RM-7912" to the following:

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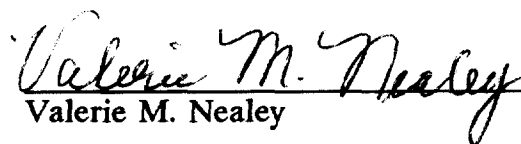
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